

Chairman James Henderson called the meeting to order at 6:33pm at the Harpswell Community TV Studio, and led in the Pledge of Allegiance. Henderson introduced the Board members present: Howard Nannen, John Papacosma, Linda Toothaker, Don Rogers, and new associate member Dorothy Carrier. Planner Tony Dater, new Harpswell Planner Jeremy Hatch, and Planning Assistant Debora Levensailor were also present. The meeting was broadcast live on Harpswell Community TV, and taped. The agenda for the meeting was published in "The Times Record" on October 10, 2001.

September 19, 2001 Minutes – Nannen asked that historical quality be substituted for the word "value" on page four, paragraph two, last sentence. Nannen stated, "I move approval of the September nineteenth minutes as amended." Papacosma seconded. **Carried, 5-0.**

Tom and Marianne Parciak, Reconstruction of Non-Conforming Structure, Commercial Fisheries I, Tax Map 23-75, Steamboat Road, Bailey Island (return from 09-19-01 meeting)-

The Board has received a letter from Douglas Richmond, architect and representative for the Parciaks, dated October 11, 2001, in which the Parciaks are asking that the Board table their application until their next meeting in November. Nannen stated, "I move that we table the Parciak application until our next meeting." Rogers seconded. **Carried, 5-0.**

Bowie Home Construction, Subdivision Review, Interior, Tax Map 11-51, Allen Point Road, Harpswell-

Doug Johnson of Brian Smith Surveying, is representing Clayton Bowie of Bowie Home Construction. Johnson presented the Board with an agent letter from Clayton Bowie, a letter of financial capacity from People's Heritage Bank (dated October 10, 2001), a letter from Bowie regarding the proposed subdivision road, a letter from Codes Enforcement Officer Roland Mayo (dated October 5, 2001) regarding lot number one (the Bartlett homestead lot), and a tax map on which Johnson has delineated the zones near the proposed subdivision.

The Planning Board and Johnson reviewed the proposed subdivision plot plan. He said the locations of the brook and wetlands are approximate. He agreed to add the one hundred year flood zone, and the setbacks from the wetlands, to the plot plan. He referenced the note on the plan which informs buyers that they would need to conform to present and future Harpswell ordinances. Johnson said the road, part of which is already constructed, would be sixteen feet wide, and that it would be managed by the proposed subdivision's home association.

Henderson asked for public comment. Selectman David I. Chipman stated, "I'm very familiar with this property. I grew up on this road. The stream empties into Clark Cove... We have difficulty keeping the flats (clam flats) open... We're on the edge of keeping this area open and usable... The pollution is from sewage, human habitation, and lawn runoff." He urged the Board to consider the impact on the wetlands from this proposed construction. Julia Stevens, an abutter to the Bowie property, stated, "My chief concern is the danger of pollution to the bay... I don't know what the impact will be on our well supply... I'm beginning to be a little bit concerned about the future... If it's a legal subdivision, there's nothing we can do about it. But, I think we need to be concerned with the impact on the bay... We have to think about the water table in Harpswell all the time."

Johnson said there would be a small impact, as subdivisions go. He stated, "In general, the lots are much more than the 80,000 square feet as required in a subdivision. . . With a properly designed septic system, you should be able to drink water from within twenty-five feet of it." Papacosma asked Johnson if the stream is spring fed, and Johnson said he didn't know. Clayton Bowie said the Department of Environmental Protection (DEP) test was done between July and August, and at the time the water was at a standstill. He explained the stream's course to the Planning Board.

The Planning Board reviewed Planner Dater's memo, dated October 11, 2001, and asked Dater about the completeness of the application. Dater said that the applicant may need to have water studies done. He said the stream is on the United States Geological Survey, and that all seventy-five foot setbacks should be noted on the plot plan. Johnson said they would stipulate a seventy-five foot setback from the stream. Papacosma read Section 9.10 of the Subdivision Ordinance (Impact on Wetlands). The Board reviewed the tax map supplied by Johnson concerning the zoning of the nearby Clark Cove shoreland. Dater asked Johnson to show the 250' shoreland setback on the new plot plan he will be presenting to the Board. Dater said that would satisfy the requirements of Section 8.3.11 of the Subdivision Ordinance. Dater asked that Johnson also change "Final" to "Preliminary", and that he number the lots on the plot plan. Dater read Section 7b of the 911 Ordinance which states, "Any prospective developer shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. On the final plan showing proposed roads, the applicant shall mark lines or dots on the plan, in the center of the streets, at 50 (fifty) foot intervals, so as to aid in the assignment of numbers for structures to be built." Selectman Swallow stated, "CMP wants the number of the house. We have to wait for the addressing officer to go out and name the road, and the addressing officer needs to get the house numbers from the plan."

Dater requested that the applicant list all of the requested waivers on a separate piece of paper. He also noted that on lot #2 the leech field is close to the home on lot #1.

Planner Jeremy Hatch expressed concern over the status of the road. He stated, "I was looking at the Town Road Ordinance and it says the road is to be eighteen feet wide, with slopes of three to one. There are some issues. We went out to the site today, and took some measurements. The road measurements now are fifteen feet at the front culvert, sixteen feet seven inches at the second culvert, and seventeen feet at the bridge culvert." Hatch suggested that the Board may want to see the DEP permit by rule information. Hatch will call the DEP for this information. The Board again reviewed Section 9.10 of the Subdivision Ordinance (Impact on Wetlands).

The Board reviewed the Subdivision Ordinance regarding the construction of the road. Johnson stated, "We are proposing a common drive. This would meet the common road standards." Dater stated, "The common drive could never be accepted by the Town. It must be eighteen feet wide." The Board reviewed the Town Road Ordinance. Papacosma stated, "You get past three houses, that's a road." Henderson read Section 3.6 of the Town Road Ordinance which states, "Local Roads: All Roads, except Arterial or Collector Roads which primarily provide access to residential properties, subdivisions, commercial sites, and similar areas. Local Roads shall be built in accordance with this ordinance."

Nannen stated, "The number of trips should be the rationale that guides us...There's a formula in our Subdivision Ordinance that determines this." Papacosma stated, "A substantial amount of work has taken place...What is the authorizing body that would permit this much work to be done out of Planning Board review?" Johnson responded, "Mr. Bowie was just putting in his driveway. He got his permits for the stream crossing. No permits are needed for the construction of the road. We were making sure we would meet the standards." Papacosma asked, "What about subsoil erosion, etc.? Was that reviewed by anyone in the Town Office?" Johnson said, "It didn't need to be reviewed." Henderson stated, "You took a chance that what you did would be acceptable when you got here." Bowie stated, "I felt safe knowing that for one large parcel I'd come out okay."

Nannen stated, "It seems to me we have the discretion, based on trip generation, to decide if it's a local road or not. That's the only rationale to decide if the road is wide enough...There's a point where it may work or where it may not work. The only way we can determine it is on the trips generated." Henderson said the question is to determine if the road is adequate. Dater said there is a publication available from the State Planning Office on driveways. Papacosma read Sections 3.6 (definition of a local road) and 3.7 (definition of a common drive) of the Town Road Ordinance. He stated, "It should take some doing to convince us that it shouldn't be a local road." Johnson stated, "The common way width was meant to be sixteen feet." Henderson stated to Johnson, "There are no shoulders. Make any argument you could make that sixteen feet is fine."

Hatch said that, dealing with the slope, the DEP requires that all riprap needs to be a 1:1.5 slope grade (1 vertical, 1.5 horizontal), and that the slope is 3:1 in Section 4.2.6 of the Town Road Ordinance. He said the DEP encourages a 1:2 slope. He stated, "If it's not constructed correctly, there will be environmental concerns and the impact of the traffic would cause erosion that would flow out into the stream." Dater said the stricter requirements would apply. Nannen stated to Johnson, "Your notes say the slopes won't exceed 1:2. That would meet DEP standards, but not our ordinance standards." Hatch stated, "On the slopes going down on both sides, there are drainage barriers. There should maybe be riprap there instead, because on steeper slopes they might wash out. Maybe DEP needs to look at this."

The Board continued to review the Subdivision Ordinance, and the application. Regarding the requested waiver of Section 8.3.2.5 of the Subdivision Ordinance (5' instead of the required 2' contours), Hatch stated, "I would suggest that two foot contours be required." Dater said that two foot contours up and down the stream would enable the fixing of the edge of the wetlands. Henderson stated, "We are concerned that there is traffic over the culvert that could cause erosion." Hatch said that the two foot contours give the ability to look at the runoff on a particular piece of property. He stated, "If the system fails, it could be picked up in the wetlands. With two foot contours, you could actually see the areas. There could be an area where there's a five foot drop, and riprap may be needed, or there could be erosion problems." Johnson said, "That's why I do a center of the road profile." Hatch stated, "This isn't to scale, and it doesn't show ditches." Papacosma said, "If there's a big clear-cut, water pollutants could be going down to the stream." Bowie said that, maybe in the seventy-five foot setback area, there could be a requirement of no cutting, except for dead or down trees.

Henderson stated, "I move that we waive the two foot contour requirement (Subdivision Ordinance, Section 8.3.2.5) on the condition that the applicant provides the Board with suitable information to indicate how the impact on the surrounding wetlands will be mitigated." Nannen seconded. **Carried, 5-0.**

Hatch suggested obtaining information from the Wright-Pierce water and septic study. The Board agreed to request the information.

Nannen stated, "I move that we waive the requirements of Section 8.3.2.13 for a proposed type of water supply system(s) and documentation by a Certified Geologist or Registered Engineer that the groundwater system will support adequate supply and quality on the condition that the applicant will provide documentation of adequate water quantity to serve the subdivision based on information from neighboring wells, obtained from property owners and well drillers (Subdivision Ordinance Section 8.3.2.15), and the information through Wright-Pierce." Henderson seconded. **Carried, 5-0.**

Henderson allowed Gregory Douglas, a Harpswell resident, to speak. Douglas stated, "I think most of the issues on roads were established because of Doughty Point and Dipper Cove... If he wants a local road, he should comply with those standards. It all depends on what the developer wants. If he wants the Town to take it over he should comply with those standards. It's as good as any roads we drive on down here." Bowie said, "The wider you make the road, the more trees you have to take...This appears to be similar in style to the Allen Point Road."

The Board reviewed the requested waiver of the Subdivision Ordinance Section 8.3.2.22. Henderson stated, "We don't need to waive it, it's not required."

Regarding Section 8.3.2.25 of the Subdivision Ordinance (location of significant wildlife habitat), Papacosma stated, "My concern is that the stream goes through the subdivision and maybe into a high or moderate value mudflat." Regarding Section 8.3.2.31 of the Subdivision Ordinance (construction cost estimates), Nannen stated, "We have an obligation to the Town and future residents that it will (the road) conform to our standards."

Selectman Swallow stated, "Regarding Section 9.12 (Stormwater Management), subdivisions of five (5) or more lots must be reviewed and endorsed by an independent consultant hired by the Town." The Board also discussed Section 8.3.3 which states, "In addition to the application fee, every application for a subdivision shall be accompanied by the payment of one hundred (100) dollars for each lot, or dwelling unit. The payment shall be deposited in an individual trust account which is separate and distinct from all other Planning Board and Town accounts." The Board will require the applicant to pay this fee.

Henderson allowed Joe Stevens, an abutter to the proposed subdivision, to speak. Stevens stated, "The impact of the subdivision is half done. The selectmen should look at how this was done without this hearing... You have already put culverts in, cut down trees, the impact is already here."

The Board agreed to hold a site visit on the Bowie property on Tuesday, October 30, 2001 at 3:30pm.

Nannen stated, "I make a motion that, since the application is incomplete, we table it to the next meeting." Papacosma seconded. **Carried, 5-0.**

In summary, the Board is requiring the following additional information from the applicant unless otherwise designated:

- (1) The application is to show the location of the shoreland zone in relation to the proposed subdivision site on the plan. Dater said that the words "approximate location" should be on the plan.
- (2) The 75' setbacks from the wetlands are to be placed on the plan. Also, the applicant is to provide the Board with suitable information to indicate how the impact on the surrounding wetlands will be mitigated.
- (3) The submission of an Inland Fisheries and Wildlife map showing the IF & W rating of the wetlands on the site. Hatch will obtain this information.
- (4) The applicant is required to place the numbers of the proposed homes on the plan. In addition, all other applicable information relating to the 911 Ordinance and the proposed subdivision are to be included in the notes on the plan. The 50' ticks down the road are to be included on the plan.
- (5) Henderson requested that a note be on the revised plan, referring to plan #1.
- (6) The applicant is to provide the Board with the estimate of vehicular traffic. (The Board requested that Planner Hatch provide the Board with road construction standards.)
- (7) The applicant is to present the Board with the water and septic information regarding the proposed subdivision property from the Wright-Pierce study. This information is available in the Planning Office at the Town Office.
- (8) The Board is requesting information from the DEP concerning the possible requirement for riprap on the slopes along the road. Hatch will obtain this information.
- (9) The applicant is to designate the one hundred year floodplain, and the upper edge of the wetland on the plan.
- (10) The applicant is to indicate the total acreage of the property, including the road, on the plan.
- (11) The applicant is to write a letter to the Harpswell Historical Society requesting information. A copy of this letter is to be given to the Planning Office for inclusion in the file.
- (12) The applicant is to write a letter to the Board indicating where he plans to obtain the cash for the remainder of the road construction.
- (13) The applicant is to submit the additional fees for possible consulting services, in the amount of \$500.00, to the Town Office, as per the Subdivision Ordinance Section 8.3.3.
- (14) The applicant is to provide documentation of adequate water quantity to serve the subdivision based on information from neighboring wells, obtained from property owners and well drillers (Subdivision Ordinance Section 8.3.2.15).
- (15) The applicant is to change the word "final" to "preliminary" on the plan.

The Board reviewed their draft by-laws. The Board amended Article VI, Section 1.4.b.7 to add, "The Chair is authorized to sign this Notice of Decision on behalf of the Board. Any Board member may request, at the time of the decision, that the Notice of Decision come before the Board, before the signature by the Chair. Additionally, the Notice of Decision is sufficient notice to the Codes Office of the Planning Board's decision."

Papacosma asked what the sequence of events is regarding the issuance of permits by the Codes Office. He wanted to know if the Codes Office should issue a permit before the Notice of Decision is signed by the Chair. In addition, he wanted to know if the Notice of Decision should be completed based on the draft minutes of the meeting as opposed to the approved minutes. The Board asked Planning Assistant Debora Levensailor to obtain an opinion on these matters from the Town's counsel. Henderson said the Board should review the minimum requirements of a complete application, which Dater has submitted to the Board, at a meeting in the near future.

Nannen stated, "I move approval of the by -laws as amended." Rogers seconded. **Carried, 5-0.**

Toothaker moved to adjourn the meeting. Rogers seconded. **Carried, 5-0.** The meeting adjourned at 10:42pm.

Debora A. Levensailor
Harpswell Planning Assistant